

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

DANNETTE NOVOA, et al.,

Defendants.

No. 1:24-cv-00251-KES-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS THIS
CASE

(Doc. 5)

Plaintiff Candace Smith proceeds pro se in this civil action. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Plaintiff filed an application to proceed in forma pauperis (IFP), which was denied without prejudice on March 4, 2024. Doc. 3. Plaintiff was ordered to submit a long form IFP application or pay the applicable filing fee within 45 days. *Id.* at 3. Plaintiff was warned that failure to comply with the court's order could result in dismissal of the action. *Id.* at 4. Plaintiff failed to submit a long form IFP application, pay the filing, or otherwise respond to the court's March 4, 2024 order.

On May 1, 2024, the assigned magistrate judge issued findings and recommendations, recommending that this case be dismissed without prejudice based on Plaintiff's failure to pay the filing fee pursuant to 28 U.S.C. § 1914 or to file an in forma pauperis application pursuant to 28

1 U.S.C. § 1915. Doc. 5.

2 The findings and recommendations were served on plaintiff and notified plaintiff that any
3 objections were to be filed within thirty (30) days after service. *Id.* at 2. Plaintiff was advised
4 that “failure to file objections within the specified time may result in the waiver of rights on
5 appeal.” *Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014). No objections
6 have been filed, and the deadline to do so has expired.

7 In accordance with 28 U.S.C. § 636(b)(1), this court has conducted a de novo review of
8 this case. Having carefully reviewed the matter, the court finds the findings and
9 recommendations to be supported by the record and proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations issued on May 1, 2024 (Doc. 5), are ADOPTED
12 IN FULL;
- 13 2. This action is DISMISSED, without prejudice, for Plaintiff’s failure to pay the filing
14 fee pursuant to 28 U.S.C. § 1914 or to file an in forma pauperis application pursuant to
15 28 U.S.C. § 1915; and
- 16 3. The Clerk of Court is directed to CLOSE this case.

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18
19 IT IS SO ORDERED.

20 Dated: August 26, 2024



UNITED STATES DISTRICT JUDGE